

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

MDL No. 2419  
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:  
All Actions

**PLAINTIFFS' STEERING COMMITTEE'S MOTION TO SCHEDULE ORAL  
ARGUMENT ON CERTAIN DISPOSITIVE MOTIONS**

The Plaintiffs' Steering Committee hereby moves the Court to schedule the following dispositive motions for oral argument on September 17, 2014 at 2:00 p.m.:

1. Dallas Back Pain Management/Momentum Pain Management and Abbeselom  
Ghermay's Motion to Dismiss [Dkt. 1133, 1208 and 1209]
  - a. Henley Opposition [Dkt. 1124, 1241]
2. Dr. Nitesh Bhagat's Motion to Dismiss for Failure to Serve a Proper Affidavit of  
Merit (*Ramos*) [Dkt. 1039] (oral argument requested by Dr. Bhagat)
  - a. PSC Opposition [Dkt. 1091]
  - b. Dr. Bhagat Reply [Dkt. 1182-1183]
  - c. Plaintiffs' Sur-reply [Dkt. 1302-6]
3. Dr. Nitesh Bhagat's Motion to Dismiss (*Pennington*) [*Pennington* Dkt. 59]
  - a. Plaintiffs' Opposition [Pennington Dkt. 60]
  - b. Dr. Bhagat Reply [Pennington Dkt. 61]
  - c. Plaintiffs' Sur-reply [Pennington Dkt. 63-7]
4. Dr. Nitesh Bhagat's Motion to Dismiss for Failure to Serve a Proper Affidavit of  
Merit (*Rivera*) [MDL Dkt. 1194]

- a. Plaintiffs' Opposition to First Motion to Dismiss by Juanita Rivera [Dkt. 1217]
- b. Dr. Nitesh Bhagat's Reply in Support of Motion to Dismiss [Dkt. No. 1240]
- c. Plaintiffs' Sur-reply [Dkt. 1302-6]

The PSC is unaware of whether Judge Boal will also be in attendance at the oral argument on September 17, 2014. To the extent that Judge Boal will be in attendance, the PSC will supplement this motion and identify the motions it believes are ripe for argument when and if the Court indicates that Judge Boal plans on hearing arguments at the September 17, 2014 hearing.

Dated: September 12, 2014

Respectfully submitted,

**/s/ J. Gerard Stranch, IV**

J. Gerard Stranch, IV  
Benjamin A. Gastel  
BRANSETTER, STRANCH & JENNINGS  
PLLC  
227 Second Avenue North  
Nashville, TN 37201  
Telephone: (615) 254-8801  
Facsimile: (615) 255-5419  
gerards@branstetterlaw.com  
beng@branstetterlaw.com

*Plaintiffs' Steering Committee and Tennessee  
State Chair*

Thomas M. Sobol  
Kristen Johnson Parker  
HAGENS BERMAN SOBOL SHAPIRO LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
Telephone: (617) 482-3700  
Facsimile: (617) 482-3003  
tom@hbsslaw.com  
kristenjp@hbsslaw.com

*Plaintiffs' Lead Counsel*

Elizabeth J. Cabraser  
Mark P. Chalos  
Annika K. Martin  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
150 Fourth Avenue North, Suite 1650  
Nashville, TN 37219-2417  
Telephone: 615.313.9000  
Facsimile: 615.313.9965  
ecabraser@lchb.com  
mchalos@lchb.com  
akmartin@lchb.com

*Federal/State Liaison*

Marc E. Lipton  
LIPTON LAW  
18930 W. 10 Mile Road  
Southfield, MI 48075  
Telephone: (248) 557-1688  
Facsimile: (248) 557-6344  
marc@liptonlawcentercom

Kim Dougherty  
JANET, JENNER & SUGGS, LLC  
31 St. James Avenue, Suite 365  
Boston, MA 02116  
Telephone: (617) 933-1265  
kdougherty@myadvocates.com

Patrick T. Fennell  
CRANDALL & KATT  
366 Elm Avenue, S.W.  
Roanoke, VA 24016  
Telephone: (540) 342-2000  
pfennel@crandalllaw.com

Mark Zamora  
ZAMORA FIRM  
6 Concourse Way, 22nd Floor  
Atlanta, GA 30328  
Telephone: (404) 451-7781  
Facsimile: (404) 506-9223  
marc@markzamora.com

*Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

I, J. Gerard Stranch, IV, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: September 12, 2014

**/s/ J. Gerard Stranch, IV**  
J. Gerard Stranch, IV